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No. 88-190

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IN THE

Supreme Court of the United States

October Term, 1988

DRIVERS, CHAUFFEURS AND HELPERS LOCAL UNION NO. 639 a/w INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL-CIO, and JAMES F. WOODWARD,

Petitioners,

v.

YELLOW BUS LINES, INC.,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of the Appeals for the District of Columbia Circuit

RESPONDENT'S BRIEF IN OPPOSITION

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QUESTIONS PRESENTED

1. Whether a labor union's use of criminal violence to force a company to accept it as the company's employees' bargaining representative constitutes participation in the conduct of the affairs of the company within the meaning of the federal RICO statute.

2. Whether four "direct threats to Yellow Bus property or employees" during the course of a four-day strike constitute a pattern of racketeering activity within the meaning of the federal RICO statute.

3. Whether this Court should grant review of the Circuit Court's decision where the amended complaint in the District Court, filed after the Circuit Court's decision but before the petition for certiorari was filed, alleges as predicate acts five threats to destroy property, eleven specific instances of destruction of property, a pattern of sabotage of property involving innumerable acts over a period of approximately two years, and 11 instances of misuse of legal procedure.

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On Petition for a Writ of Certiorari to the United States Court of the Appeals for the District of Columbia Circuit

RESPONDENT'S BRIEF IN OPPOSITION

STATEMENT OF THE CASE

This case arises out of a violent four-day strike at Yellow Bus Lines, Inc. ("Yellow Bus")[1] in November, 1981, followed by years of sabotage of Yellow Bus' equipment and operations and bad-faith litigation both in Federal District Court and before the National Labor Relations Board all of which put Yellow Bus out of business. Petitioner James F. Woodward, then business agent and trustee of petitioner, Drivers, Chauffeurs and Helpers Local Union 639 ("Local 639"), was arrested during the strike for threatening to burn the buses of

[1]Yellow Bus has no parent companies, subsidiaries, or affiliates to list pursuant to Rule 28.1.

Yellow Bus. He was later indicted for threatening to burn buses and threatening to kill three men at another strike site.

In November, 1982, Woodward filed the original complaint in this case against the District of Columbia, the arresting police officer and the three officer-owners of Yellow Bus, alleging that the four individual defendants had conspired to produce a warrant for Woodward's arrest by accusing him falsely of threatening to burn the buses. Yellow Bus' officers counterclaimed for intentional infliction of emotional distress and abuse of process and added Local 639 as a counterdefendant. In April, 1983, Yellow Bus, itself, filed a complaint charging Woodward and Local 639, *inter alia*, with (1) violations of the Racketeering Influenced and Corrupt Organization Act ("RICO"), 18 U.S.C. §§1961, *et seq.*, (2) malicious destruction of property, (3) tortious interference with contractual and other business relationships, and (4) abuse of process.

The District Court dismissed the RICO claim against Woodward on the authority of *Sedima, S.P.R.L. v. Imrex*, 741 F.2d 482 (2d Cir. 1984), later reversed by this Court in *Sedima, S.P.R.L. v. Imrex*, 473 U.S. 479 (1985), because Yellow Bus had not alleged any injury apart from that which would result directly from the alleged predicate acts. Pet. App. 59a-62a. The court dismissed the RICO claim against Local 639 on the theory that the "enterprise" defined in the RICO count could not also serve as the defendant and denied Yellow Bus' motion for leave to amend which proffered Yellow Bus itself as the "enterprise." Pet. App. 40a-46a, 54a.

After a nine-day trial, the jury awarded Yellow Bus and its officers a total of $133,200 against Woodward and Local 639 for malicious destruction of property, intentional interference with contract, and abuse of process. Pet. App. 28a. The District Court entered a judgment notwithstanding the verdict which set aside the entire jury award except for an award of

$1,280 against Woodward for malicious destruction of property. Pet. App. 27a-35a.

The Circuit Court upheld the District Court's decision setting aside the jury's verdict on intentional interference with contract and abuse of process but reinstated the jury's verdict of $1,920 against Local 639 for malicious destruction of property. Pet. App. 4a-10a. On the authority of this Court's decision in *Sedima, supra,* the Circuit Court reinstated the RICO claim against Woodward. Pet. App. 12a. The Circuit Court agreed with the District Court that the "enterprise" defined in the RICO count could not also serve as the defendant (Pet. App 13a-17a) but ruled that Yellow Bus should have been permitted to amend (Pet. App. 23a-24a). Finally, the court ruled Yellow Bus itself could serve as the "enterprise" in whose affairs Woodward and Local 639 could participate under RICO. Pet. App. 17a-23a.

After the petitions for rehearing were denied but before the union parties petitioned for certiorari, Yellow Bus filed an "Amended RICO Complaint," reproduced in the Appendix hereto at 1a-7a. The amended complaint alleges that petitioners have participated in the affairs of Yellow Bus through a pattern of racketeering. Para. 12, App. 6a. Three patterns of racketeering are alleged.

The first is threats to destroy property, encompassing five threats in November, 1981. Para. 7(a), (m)-(p), App. 2a-3a. The second pattern is destruction of property, which includes 11 specific instances of destruction of property the first of which were in November, 1981, and the last in May, 1982 (para. 7(b)-(1), App. 2a-3a), and a pattern of sabotage (para. 7(r), App. 4a), including innumerable acts of destruction of property, which proof at trial showed lasted from November, 1981 through 1983. The third pattern is misuse of legal procedure, including ten unfair labor charges filed with the Na-

tional Labor Relations and the original lawsuit filed in this case. Para. 7(q) and (s), App. 4a.[2] The alleged purpose of all three patterns was to acquire an interest, to wit, a labor contract, with Yellow Bus. Para. 13, App. 6a.

REASONS WHY THE PETITION SHOULD BE DENIED

The two questions raised in the petition are significant, but they were correctly decided by the Circuit Court.

I. A "Lawful" Organizational Strike as Participation in the Affairs of an Employer.

There is no doubt that Yellow Bus' employees had a right to strike Yellow Bus, but they had no right to strike Yellow Bus using unlawful means. In evaluating a complaint for purposes of determining whether it states a claim, a court must assume that the well-pled allegations are true. *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969). In this case, however, we need not make assumptions. The jury and the Circuit Court found that Yellow Bus' employees purposely destroyed Yellow Bus' property during and/or after the strike and that there was clear proof as required by §6 of the Norris-LaGuardia Act, 29 U.S.C. §106, that the union endorsed the violence.

It has been authoritatively determined, against the contention that state law is pre-empted by federal labor law legislation, that tort claims may be brought in such cases based on

[2]Proof at trial showed that 9 of the 10 unfair labor practice charges were withdrawn and the tenth was without merit. Proof at trial also showed that Woodward had in fact threatened to burn the buses. The issue presented to the jury as framed by the District Court's instructions was whether the unfair labor practice charge and this case had been filed in bad faith. The District and Circuit Court opinions rejecting in part the jury's verdict were not based on rejection of any of this proof.

violent conduct. *United Mine Workers v. Gibbs*, 383 U.S. 715, 729-731 (1966).[3] Congress has specifically cited racketeering in the "trucking" business as one of the targets of RICO (S. Rep. No. 91-617, 91st Cong., 1st Sess. 78 (1969)), and Congress has specifically directed that RICO be "liberally construed to effectuate its remedial purpose" (Pub. L. No. 91-452, §904(a), 84 Stat. 947 (1969)). We can imagine no reason why Congress would want to insulate from prosecution a union which encouraged threats to cut the brake lines on a school bus, which this union did during the course of the strike in the case, or a union whose organizing representative threatened to kill the head of the struck company, which the original complaint in this case alleged that Woodward did during the course of two organizing strikes close in time to the Yellow Bus strike. Surely, there is nothing deriving from general principles of policy or of law or of labor law or of RICO itself to insulate petitioners from liability for what they did in this case. Only if Petitioners can show that the Circuit Court's decision is inconsistent with the literal language of RICO are they entitled to relief, and they have not done so.

18 U.S.C. §1962(c) makes it unlawful to participate, directly or indirectly, in the conduct of an enterprise's affairs through a pattern of racketeering activity. Read literally there is no doubt that the striking drivers "participated, directly or indirectly," in the conduct of Yellow Bus' affairs. As the Circuit Court wrote:

---

[3] *United States v. Enmons*, 410 U.S. 396, 400, 408 (1973) (cited in Petition, p. 14), holds only that the use of "force, violence or fear" does not constitute extortion under the Hobbs Act, 18 U.S.C. §1951, when a union is seeking a legitimate objective. The decision does not purport to insulate a union from prosecution under state law or other federal law. Thus, provisions of the Maryland Code and the D.C. Code dealing with extortion, as well as federal statutes such as Travel Act, 18 U.S.C. §1952, remain to provide a statutory basis for the predicate offenses.

> . . . Yellow Bus was not merely a "setting" for crime otherwise unrelated to the company's affairs. As we have shown, it matters not that Woodward and the Local did not direct or manage the "core" day-to-day transportation activities of Yellow Bus, or that the union initially exerted its influence over the conduct of employees, rather than management. A strike for recognition of the union as a collective bargaining representative is an activity sufficiently related to the company's ongoing role as a business enterprise and employer to establish the requisite nexus. Although the Local and the bus company were associated for a limited period, their relationship had vital significance for the economic destiny of Yellow Bus. The elaborate legal structure which governs all aspects of management-labor interaction only serves to emphasize that a strike by a union seeking to bargain with an employer is an important "affair" of the employer company. More often than not, it is a momentous event in the life of that enterprise. Pet. App. 22a-23a.

Petitioners have failed to distinguish the cases on which the Circuit Court principally relied. In *United States v. Scotto*, 641 F.2d 47 (2d Cir. 1980), *cert. denied*, 452 U.S. 961 (1981), union officers were convicted of RICO violations for taking illegal payments from employees with which the union had a collective bargaining relationship. In that case the "enterprise" was the union. Petitioners seek to distinguish *Scotto* on the ground that it is obvious there that the union officers had participated in the affairs of the union. The Circuit Court, however, relied on *Scotto* only for its rejection of the "core functions" test, *viz.*, that predicate acts must relate to the essential functions of the enterprise. It can be plausibly argued that receiving bribes is not a "core function" of a union official. If, however, receiving bribes were sufficient to constitute participating in

the union's affairs, as the Court concluded in *Scotto,* then using violence to force bargaining recognition is *a fortiori* participating in the affairs of Yellow Bus. Nor does it make any difference as Petitioners assert (Petition, p. 12) that the strike was (temporarily) unsuccessful. 18 U.S.C. §1962(d) makes it unlawful to conspire to do what it is unlawful to do under 18 U.S.C. §1962(c).

Petitioners seek to distinguish *United States v. Yonan,* 800 F.2d 164 (7th Cir. 1986), *cert. denied,* 107 S.Ct. 930 (1987), a case in which Yonan was accused of associating with the Cook County State's Attorney's Office through seven acts of bribery, on the grounds that the union's ultimate object, to organize Yellow Bus, was lawful. Petition, p. 13. The text of 18 U.S.C. §1962(c), however, provides no exception for those who participate in the conduct of the affairs of an enterprise through a pattern of racketeering on the ground that the ultimate object is lawful.

II. The Pattern of Racketeering Activity.

The Petition (pp. 14-18) accurately represents that there is disagreement among the Circuit Courts as to the meaning of the term "pattern" as used in the phrase "through a pattern of racketeering activity," 18 U.S.C. §1961(5). Many of these Circuit Court cases refer to the footnote in *Sedima, S.P.R.L. v. Imrex Co., supra,* at 496, n. 14 (1985), in which this Court suggests a guideline that:

> criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.

Perhaps the most straightforward interpretation of the footnote is that enunciated by Judge Wisdom in *R.A.G.S. Couture, Inc. v. Hyatt,* 774 F.2d 1350, 1355 (1985), *viz.*, two isolated acts of racketeering activity do not constitute a pattern, but if the acts are related, they do. Judge Wisdom says in the same opinion:

> The Supreme Court's *Sedima* decision cautions us not to place barriers before RICO plaintiffs that are not found in the text of the statute.
> *Id.* at 1353.

The general difficulty with those decisions that require a pattern to contain more than two related acts is that as a minimal matter to the average man two related acts might well be viewed as a pattern. Accordingly, a jury question is raised if two related acts are alleged in a complaint.

In any event, the Court should understand that both complaints in this case alleged more than two related acts and also more than the four "direct threats to Yellow Bus property or employees" noted by the Circuit Court in its opinion (Pet. App. 11a). The first complaint alleged six additional racketeering acts, including four threats to kill against officers and employees of two other companies. The amended complaint did not allege these because the Circuit Court's decision appeared to disapprove such a procedure *(Id.)*. The amended complaint did, however, allege five threats to destroy property, eleven specific instances of destruction of property, a pattern of sabotage including innumerable acts of property over a period of two years and 11 instances of misuse of legal procedure. App. 2a-4a. Far more predicate acts could be alleged if use was made, for example, of the mail fraud statute, 18 U.S.C §1341.

No matter what Circuit Court's standard is followed, it is clear that racketeering activities attacking three companies

over many years involving nearly 30 acts of racketeering, some of them very serious, constitute a pattern of racketeering activity.

CONCLUSION

For these reasons, the petition for a writ of certiorari should be denied.

Respectfully submitted,

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September 1, 1988

APPENDIX

United States District Court
FOR THE DISTRICT OF COLUMBIA

JAMES F. WOODWARD,	)	
	)	
Plaintiff	)	
v.	)	**Civil Action**
	)	**No. 82-3154 TAF**
MICHAEL DiPALMERO, *et al.*,	)	
	)	
Defendants	)	
	)	
YELLOW BUS LINES, INC.,	)	
Plaintiff,	)	
v.	)	**Civil Action**
	)	**No. 83-1232 TAF**
DRIVERS, CHAUFFEURS &	)	
HELPERS, LOCAL UNION 639,	)	
et al.,	)	
Defendants	)	

AMENDED RICO COMPLAINT

1. Jurisdiction is vested in this Court by the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. §§1961 *et seq.* (''RICO'') and 28 U.S.C. §1331.

2. Venue is properly established in this judicial district pursuant to 28 U.S.C. §1391(b).

3. Plaintiff, Yellow Bus Lines, Inc. (''Yellow Bus''), is a corporation organized under the laws of the Commonwealth of Virginia. Its principal place of business is located at 4436 Vermont Avenue, Alexandria, Virginia 22304.

4. Defendant Drivers, Chauffeurs and Helpers Local Union 639 (''Local 639'') is an unincorporated association. It is a

local labor union of the International Brotherhood of Teamsters. Its principal place of business is located at 3100 Ames Place, N.E., Washington, D.C. 20018.

5. Defendant James F. Woodward ("Woodward") is a citizen of the United States and resides at 7332 Buelah Street, Alexandria, Virginia. At all times referred to in this Complaint, defendant was employed by and was working as the business agent for and the trustee of Local 639.

6. On November 2, 1981, Woodward called Paula Westgate ("Westgate"), President of Yellow Bus, and requested a meeting. On November 5 Westgate met with Woodward in his office. At that meeting Woodward demanded that Yellow Bus accept Woodward as its employees' bargaining representative, and to sign a contract with Local 639. He warned Westgate that he had "millions of dollars to drive [Yellow Bus] into the ground." On November 6, 1982, Woodward called Westgate on the telephone at 2:30 p.m. and asked for an answer to his demand. Westgate rejected it. On November 9, 1981, when Maria Triggs, Secretary-Treasurer of Yellow Bus ("Triggs") arrived at the gate to Yellow Bus' lot located at 2000 Kendall Street, N.E., Woodward's car was blocking the driveway. Woodward told Triggs that Yellow Bus was not "running any buses out of here today." A strike ensued.

7. During the course of the strike and thereafter, defendants and/or others acting at their directed [*sic*] committed the following criminal and tortious acts:

(a) Threatened to burn the buses of Yellow Bus on November 9, 1981.

(b) Ice picked six (6) tires on buses 671, 688, 701, and 702 on November 9, 1981, while parked on the lot of the Jewish Day School in Rockville, Maryland.

The broken shaft of the ice pick was left in one of the tires.

(c) Threw a rock through the window of Yellow Bus' trailer on November 9, 1981.

(d) Threw a rock through the windshield of bus 691 on November 10, 1981.

(e) Destroyed the transmission of bus 671 on November 24, 1981.

(f) Destroyed four (4) tires on bus 714 on November 28, 1981.

(g), (h), (i), (j) Destroyed in November, 1981, tires on the private vehicles of Lenwood Vaughn, Walter Ruth, Jr., Mack Jennings, and Frieda Branch, employees of Yellow Bus who did not strike.

(k) Destroyed in November 1981, the side windows on the private vehicle of Roger Martucci, who drove for Yellow Bus on November 9, 1981.

(l) Destroyed the engine on bus 691 in May 1982.

(m) Told Leon Sotsky who had come to pick up his child at the lot of Yellow Bus on November 9, 1981, that brake lines on the buses of Yellow Bus would be cut.

(n) Woodward told Roger Martucci on November 9, 1981, that he would drive defendant Westgate and Yellow Bus Lines "into the ground."

(o) Joe Kennedy, at the instance of defendants, told Peter McKinnon, then Vice-President of Yellow Bus, on November 11, 1981, that the striking drivers were going to destroy the buses.

(p) Woodward swerved his private car in front of bus 686 on November 11, 1981, in order to intimidate the bus driver.

(q) On November 5, 1981, defendants caused to be filed the complaint in *Woodward* v. *DiPalermo, et al.*, (D.D.C. Civil Action 82-3154), which in pertinent part accuses Westgate and Triggs of conspiracy to procure the arrest of plaintiff on false charges. Defendants knew that the allegations of this complaint were materially false.

(r) After the strike defendants encouraged the striking drivers to engage in a pattern of sabotage and purposeful absenteeism against Yellow Bus.

(s) Defendants caused approximately ten unfair labor practice charges to be filed in bad faith against Yellow Bus. The effect of the false charges was to prevent Yellow Bus from disciplining its drivers for sabotage and purposeful absenteeism.

(t) Other criminal and tortious acts.

8. Yellow Bus was in the business of transporting persons by bus in Maryland, Virginia, and the District of Columbia. Most of the persons whom it transported were school children. It ceased doing business in 1984.

9. Local 639 represents employees in Maryland, Virginia and the District of Columbia concerning grievances, wages and other terms and conditions of employment. Specifically, Local 639 represents individuals who drive trucks and buses in interstate commerce.

10. Yellow Bus constitutes an enterprise whose activities affect interstate commerce within the meaning of 18 U.S.C. §§1961(4) and 1962(c).

11. Defendants have conspired to engage in and have engaged in the following "patterns" of "racketeering activities" within the meaning of 18 U.S.C. §1961(1) and (5):

(a) *Threats to destroy property.* As set out in paragraph 7 above, defendants and the striking drivers with defendants' encouragement on numerous occasions threatened to destroy the property of Yellow Bus. This was part of a campaign of extortion, is chargeable under D.C. Code §22-2307 and is punishable by up to twenty years' imprisonment. The purpose of this campaign of extortion was to obtain a labor contract from Yellow Bus.

(b) *Destruction of property.* As set out in paragraph 7 above, on numerous occasions during the strike and thereafter, the striking drivers with defendants' encouragement, destroyed property of Yellow Bus worth more than $200. This was chargeable under D.C. Code §22-403. The purpose of this destruction of property was to obtain a labor contract from Yellow Bus.

(c) *Misuse of legal procedure.* After the strike defendants, in bad faith, willfully caused to be filed ten unfair labor practice charges and, as threatened, this law suit. These acts were in furtherance of defendants campaign of extortion and destruction of property, and are chargeable under D.C. Code §§22-2307. The purpose of this misuse of legal procedure was to obtain a labor contract from Yellow Bus.

Each of the activities alleged in the subparagraphs above is also chargeable under the Hobbs Act, 18 U.S.C. §1951, and punishable by twenty years' imprisonment. Each activity is also chargeable under the Travel Act, 18 U.S.C. §1952, and

punishable by up to five years' imprisonment. Any two of the activities alleged constitute a "pattern of racketeering activity" within the meaning of 18 U.S.C. §1961(5).

12. The conduct of defendants and others acting at their direction in engaging in such unlawful conduct was in violation of 18 U.S.C. §1962(c) and (d). Through the pattern of racketeering set out above, defendants have participated and have conspired to participate in the affairs of Yellow Bus, which participation and conspiracy to participate caused injury to Yellow Bus' business and property, including, without limitation, losses, lost profits, and the value of the business as a going concern, in excess of $500,000.

13. The conduct of defendants and others acting in concert with them in conspiring to engage in such unlawful conduct was in violation of 18 U.S.C. §1962(b) and (d). Through the pattern of racketeering activity set out above, defendants conspired to acquire an interest, to wit, a labor contract, with Yellow Bus. As a result of the conspiracy to acquire such an interest, plaintiff's business and property were injured, as set out in paragraph 13 above, in excess of $500,000.

14. Because Yellow Bus sustained damage to its business in excess of $500,000 as a result of defendants patterns of racketeering activity, it is entitled, under 18 U.S.C. §1964(c), to treble damages in excess of $1,500,000 and the costs of suit including reasonable attorneys' fees.

WHEREFORE, Yellow Bus demands judgment against defendants as follows:

1. Compensatory damages in an amount no less than $500,000, this amount to be trebled in accordance with law to an amount no less than $1,500,000;

2. Costs of suit, including reasonable attorneys' fees as permitted by law; and

3. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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STATUTES

18 U.S.C. §1341 — Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

18 U.S.C. §1951 — Interference with commerce by threats or violence

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined not

more than $10,000 or imprisoned not more than twenty years, or both.

(b) As used in this section—

(1) The term "robbery" means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

(2) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

(3) The term "commerce" means commerce within the District of Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

(c) This section shall not be construed to repeal, modify or affect section 17 of Title 15, sections 52, 101-115, 151-166 of Title 29 or sections 151-188 of Title 45.

18 U.S.C. §1952 — Interstate and foreign travel or transportation in aid of racketeering enterprises.

(a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to—

(1) distribute the proceeds of any unlawful activity; or

(2) commit any crime of violence to further any unlawful activity; or

(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,

and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(b) As used in this section "unlawful activity" means (1) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substancs (as defined in section 102(6) of the Controlled Substances Act), or prostitution offenses in violation of the laws of the State in which they are committed or of the United States, (2) extortion, bribery, or arson in violation of the laws of the State in which committed or of the United States, or (3) any act which is indictable under subchapter II of chapter 53 of title 31, United States Code, or under section 1956 or 1957 of this title.

(c) Investigations of violations under this section involving liquor shall be conducted under the supervision of the Secretary of the Treasury.

18 U.S.C. §1962(c) and (d) — Prohibited activities

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsections[2] (a), (b), or (c) of this section.

29 U.S.C. §106 — Responsibility of officers and members of associations or their organizations for unlawful acts of individual offices, members, and agents

No officer or member of any association or organization, and no association or organization participating or interested in a labor dispute, shall be held responsible or liable in any court of the United States for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

Public Law No. 91-452, §904(a) (1969) provides:

The provisions of this title [enacting this chapter and amending sections 1505, 2516, and 2517 of this title] shall be liberally construed to effectuate its remedial purposes.